

6



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

6

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/897,217    07/14/97    DEAN    D    P-2057/723

022801    TM02/1108  
LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE WA 99201

EXAMINER

BULLOCK JR, L

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 11/08/01

29

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TR

**Office Action Summary**

Application No.

08/897,217

Applicant(s)

DEAN, DAWSON F.

Examiner

Lewis A. Bullock, Jr.

Art Unit

2151

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**P r i d f r Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

In view of the arguments filed on 8/13/01, PROSECUTION IS HEREBY REOPENED. See the rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAVITZKY (US 6,012,083) in view of GRATE (US 5,956,483).

As to claim 1, SAVITZKY teaches a method for serving remote procedure calls from an applet (client-side code) which executes within an applet viewer (applet-aware

Art Unit: 2151

browser), the method comprising: receiving from the applet a request for a document according to a document retrieval protocol implemented on a computer network (client sends a server a document request for a document in the form of a URL); determining that the request specifies a function (execute script) which is defined within a computer process (server program) executing independently of the applet and applet viewer and which includes one or more computer instructions (script) (server identifies the request as a request to execute a script rather than a request for a document); and executing the function to thereby cause execution of the one or more computer instructions in response to receipt of the request (the server executes the CGI script, possibly using arguments passes as part of the URL) (col. 1, line 63 – col. 2, line 43). It would be obvious that the applet generates the request since the request for a document is generated with client-side code execution and that the script execution is unrelated to retrieval of the document request generated by the script. However, SAVITZKY does not teach the server as a local server wherein the system that generates the request is the system that serves it. It is well known in the art that a web server can be local to the browser.

GRATE teaches a browser which sends request (HTTP post request) to a web server (SHOPPER) that is local to the browser wherein the system that generates the request is the system that serves it (col. 10, lines 26-41). Therefore, it would be obvious to combine the teachings of SAVITZKY with the teachings of GRATE in order to facilitate local processing of request.

Art Unit: 2151

As to claim 2, It would be obvious that since the request is in the URL with parameters for the script execution that it can also contain how to format the returned document.

As to claim 3, SAVITZKY teaches returning to the applet result data produced by execution of the function (dynamic document of server side code execution) (col. 2, lines 10-14).

As to claim 4, SAVITZKY teaches the returning comprises: forming a document which includes the data; and sending the document to the applet (dynamic document of server side code execution) (col. 2, lines 10-14).

As to claim 5, SAVITZKY teaches the document retrieval protocol is HTTP (col. 1, lines 45-62).

As to claims 6-10, reference is made to a computer readable medium which corresponds to the method of claims 1-5 and is therefore met by the rejection of claims 1-5 above.

As to claims 11-15, reference is made to a system which corresponds to the method of claim 1-5 and is therefore met by the rejection of claims 1-5 above.

As to claim 22, "Official Notice" is taken in that a remote procedure call is well known in the art and would be obvious to use in order to request execution of the CGI script of the server.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alvin E. Oberley can be reached on (703) 305-9716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

lab  
November 5, 2001



ALVIN OBERLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100